

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA :
 :
 PLAINTIFF, :
 :
 VS. : CASE NO. CR2-11-CR-010
 :
 SEAN MURPHY JUDGE SMITH
 :
 DEFENDANT. :

MOTION FOR WITHDRAW AND EXTENSION OF TIME

Counsel for the Defendant, George C. Luther, and by agreement of the Defendant, move the Court for an order permitting him to withdraw and be relieved of any further responsibility herein, on the grounds that a conflict has arisen between counsel and the Defendant making it impossible to provide the effective assistance of counsel. The Defendant further moves the Court for an extension of time to file pretrial motions until the issue of representation has been decided by the Court. This matter is set for trial June 13, 2011. Counsel submits that this Motion is not made for the purpose of needlessly delaying the resolution of this case. Rather, pursuant to 18 U.S.C. 3161(h)(8), "the ends of justice served by taking such action outweigh the best interests of the public and the Defendant in a speedy trial." Failure to grant said motion for continuance will likely result in the miscarriage of justice as counsel for the Defendant will not be able to provide the effective assistance of counsel to the Defendant due to the

breakdown of communication between counsel and the Defendant.

The Defendant waives his right to a speedy trial during the pendency of this motion.

Counsel submits a memorandum in support of this motion.

/s/ George C. Luther
GEORGE C. LUTHER 0031940)
536 SOUTH HIGH STREET
COLUMBUS, OHIO 43215
TELEPHONE: 614/224-7210
ATTORNEY FOR DEFENDANT

MEMORANDUM

Undersigned counsel, George C. Luther, submits that a conflict has arisen between counsel and the Defendant resulting in a breakdown of communication. Due to this conflict and the breakdown of communication counsel cannot provide the effective assistance of counsel to the Defendant.

The issues in this case are many and complex. Counsel and Defendant disagree on legal strategies making it impossible for counsel to continue. The issues giving rise to this motion will be more fully disclosed at a hearing on this motion.

Counsel submits that this Motion is not made for the purpose of needlessly delaying the resolution of this case. Rather, pursuant to 18 U.S.C. 3161(h)(8), "the ends of justice served by taking such action outweigh the best interests of the public and the Defendant in a speedy trial."

For these reasons, counsel moves the Court for an order

permitting him to withdraw and be relieved of any further responsibility herein and for an order extending the time for filing of pretrial motions until the issue of representation has been decided by the Court.

/s/ George C. Luther
GEORGE C. LUTHER 0031940)
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ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing motion for continuance was served on Sal Dominguez, Assistant United States Attorney, and other counsel of record by electronic filing this 10th day of May, 2011.

/s/ George C. Luther
GEORGE C. LUTHER 0031940)
ATTORNEY FOR DEFENDANT